

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

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HOLLY J. DEVORE,

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Petitioner,

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No. 11-714V

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Special Master Christian J. Moran

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v.

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Filed: June 25, 2013

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SECRETARY OF HEALTH  
AND HUMAN SERVICES,

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Attorneys' fees and costs; stipulation of  
fact; award in the amount to which  
respondent does not object

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Respondent.

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### UNPUBLISHED DECISION ON FEES AND COSTS<sup>1</sup>

Ramon Rodriguez, III, Rawls, McNelis and Mitchell, P.C., Richmond, VA, for Petitioner;  
Gordon E. Shemin, U.S. Department of Justice, Washington, D.C., for Respondent.

Petitioner, Holly Devore, filed a stipulation of fact concerning final attorneys' fees and costs in the above-captioned matter on June 13, 2013. Previously, Ms. Devore informally submitted a draft application for attorneys' fees and costs to respondent for review. Respondent reviewed petitioner's application in detail and had no objection to the amounts requested. The Court awards this amount.

Ms. Devore filed for compensation alleging that she was injured by the influenza vaccine she received on or about October 23, 2008. Ms. Devore received compensation based upon the parties' stipulation. Decision, filed Dec. 12, 2012. Because Ms. Devore received compensation, she is entitled to an award of attorneys' fees and costs. 42 U.S.C. § 300aa-15(e).

Petitioner seeks a total of **\$18,784.58** in attorneys' fees and costs for her counsel. Additionally, in compliance with General Order No. 9, petitioner has shown that she incurred **\$250.00** in out-of-pocket litigation expenses while pursuing this claim. Respondent has no objection to the amounts requested for attorneys' fees and costs, and petitioner's costs, which total **\$19,034.58**.

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<sup>1</sup> The E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

After reviewing the request, the court awards:

- A. A lump sum payment of \$18,784.58 in the form of a check payable jointly to petitioner and petitioner's counsel, the law firm of Rawls McNelis and Mitchell, P.C., for attorneys' fees and costs available under 42 U.S.C. §300aa-15(e); and**
- B. A lump sum payment of \$250.00 in the form of a check payable to petitioner for out-of-pocket expenses incurred by petitioner in proceeding on the petition.**

The court thanks the parties for their cooperative efforts in resolving this matter.

The Clerk shall enter judgment accordingly.<sup>2</sup>

**IT IS SO ORDERED.**

s/Christian J. Moran  
Christian J. Moran  
Special Master

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<sup>2</sup> Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.